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 and the Plaintiff Class

8  
 9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

11 STEPHEN WHITEWAY, individually,  
 12 and on behalf of all others similarly  
 situated,

13 Plaintiff,

14 v.

15 FEDEX KINKO'S OFFICE AND  
 16 PRINT SERVICES, INC.,

17 Defendant.

) **Case No.: C 05 02320 SBA**

) **CLASS ACTION**

) **STIPULATION AND ~~PROPOSED~~ ORDER**  
 ) **RE: MODIFICATION OF DISCOVERY**  
 ) **CUT-OFF DATES**

18  
 19 This stipulation is entered into by and among Plaintiff Stephen Whiteway ("Plaintiff") and  
 20 the Class and Defendant FedEx Kinko's Office and Print Services, Inc. ("Defendant") through their  
 21 respective attorneys of record.

22 **WHEREAS**, on January 27, 2006, the Court issued its Order for Pretrial Preparation;

23 **WHEREAS**, on October 12, 2006, the Court entered an Order augmenting certain deadlines  
 24 contained in the January 27, 2006 Order for Pretrial Preparation pending resolution of FedEx  
 25 Kinko's' petition for permission to appeal;

26 **WHEREAS**, the parties agreed to amend certain additional discovery cut-offs to allow for  
 27 completion of discovery prior to the trial date.

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**WHEREAS**, the parties wish to enter a stipulation to clearly identify all remaining discovery dates.

**IT IS HEREBY STIPULATED BETWEEN THE PARTIES HERETO:**

1. Plaintiff shall disclose experts by March 1, 2007;
2. Defendant shall disclose experts by March 15, 2007;
3. The general discovery cut-off date shall be March 21, 2007;
4. The last day to file and notice any motions related to general discovery shall be April 15, 2007;
5. Defendant shall produce expert reports by May 1, 2007;
6. The parties shall provide counter designate rebuttal experts by May 15, 2007, provided, however, Defendant's expert report is received by Plaintiff by May 1, 2007. If Defendant's expert report is not received by Plaintiff by May 1, 2007, Plaintiff shall have until two weeks after the date report is received to provide counter designate rebuttal expert report to Defendant.
7. The expert discovery cut-off date shall be June 15, 2007; and
8. The last date to file motions relating to expert discovery shall be June 30, 2007.

**IT IS SO STIPULATED:**

Dated: March 5, 2007

**SCOTT COLE & ASSOCIATES, APC**

By: /s/ Matthew R. Bainer  
 Matthew R. Bainer, Esq.  
 Attorneys for the Representative Plaintiff  
 And the Plaintiff Class

Dated: March 5, 2007

LITTLER MENDELSON

By: 

Theodora R. Lee, Esq.  
Attorneys for Defendant

**[PROPOSED] ORDER**

On the stipulation of the parties and good cause appearing therefor,

**IT IS ORDERED.**

Dated: 3/16, 2007

By: 

Saundra Brown Armstrong  
United States District Judge

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